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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,442	10/23/2003	Scott Hanggie	003797.00722	8090
28319 7590 07/02/2007 BANNER & WITCOFF, LTD. ATTORNEYS FOR CLIENT NOS. 003797 & 013797 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051			EXAMINER JANKUS, ALMIS R	
			ART UNIT 2628	PAPER NUMBER
			MAIL DATE 07/02/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/691,442

Applicant(s)

HANGGIE ET AL.

Examiner

Almis R. Jankus

Art Unit

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11/04, 3/05
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. Claims 1-36 are presented for examination.

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-10 require a data structure defining a window for drawing on a desktop representation displayed on a display device, comprising data fields. Data structures fail to fit any of the four statutory classes of invention.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 11-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoppe and further in view of Official Notice.

With respect to claim 11, Hoppe teaches the claimed data processing system comprising: a memory storing window properties comprising, for a plurality of windows for which properties are stored, properties for a base object and properties for one or more primary content objects; a compositing desktop window manager software module that composes a desktop based on the window properties of each window for which properties are stored, wherein for one of the plurality of windows for which properties are stored, the memory stores a plurality of primary content objects, as a base mesh and selective refinement. Windows are not explicitly taught, however, official notice is taken that windows would have been obvious as being in general use.

Claim 12 further requires the data processing system of claim 11, wherein the

properties for the base object comprise a base geometry. Hoppe teaches this at page 102 section 4 first paragraph.

Claim 13 further requires the data processing system of claim 11, wherein the properties for the base object comprise base content margins, a base extent, and a base material. Hoppe teaches this at section 4 with the teaching of "preserving both the shape of the mesh and the scalar and discrete attributes which define its appearance."

Claim 14 further requires the data processing system of claim 12, wherein the base geometry property comprises a plurality of vertices defining a mesh. Hoppe teaches this at figures 1 and 2.

Claim 15 further requires the data processing system of claim 13, wherein the base material property comprises an ambient color, a diffusive color, and a specular color. Hoppe teaches this at the abstract and at page 100 section 2, however, official notice is taken with respect to specular color as this was in general use in computer graphics.

Claim 16 further requires the data processing system of claim 15, wherein each of the ambient color, diffusive color, and specular color are defined at least by an ARGB value. Hoppe teaches this at section 2 with shader functions, ARGB being inherent in shader functions. Official Notice is taken with respect to ARGB being in general use.

Claim 17 further requires the data processing system of claim 13, wherein the base material property comprises a reflection scalar and a refraction index. Hoppe teaches this at section 2 with material identifiers, reflection and refraction being inherent in material properties and official notice is taken on that limitation..

Claim 18 further requires the data processing system of claim 13, wherein the base material property comprises a diffuse texture and a bump texture. Hoppe teaches this at section 4.5.

Claim 19 further requires the data processing system of claim 11, wherein the memory stores, for at least one primary content object, a content geometry and a content surface. Hoppe teaches this at the abstract.

Claim 20 further requires the data processing system of claim 19, wherein the content surface comprises an ARGB texture. Hoppe teaches this at section 2 with shader functions, official notice that ARGB being inherent in shader functions.

Claims 21 and 31 are similar to claim 11 and are rejected under similar rationale.

Claims 22-29 are similar to claims 13-20 and are rejected under similar rationale.

Claim 30 further requires the method of claim 23, further comprising: receiving user input to resize the window; dividing the mesh into three regions per mesh dimension; for each region, maintaining offsets of mesh vertices in any dimension by which the region is bounded by a bounding box of the window, and scaling mesh vertices in any dimension by which the region is not bounded by the bounding box of the window. Hoppe teaches this at figures 1 and 2, and at sections 3 and 4. Official notice with respect to windows.

Claim 31 is similar to claim 30 and is rejected under similar rationale.

Claim 32 further requires the method of claim 31, wherein the regions are equally sized. Hoppe teaches this at section 4.1 with official notice that regular meshes are equally sized.

Claim 33 further requires the method of claim 31, wherein the regions are not equally sized. Hoppe teaches this at figure 1.

Claim 34 further requires the method of claim 33, wherein regions bounded by the bounding box are as small as necessary to encompass material that should not be scaled. Hoppe teaches this at the abstract as preservation.

With respect to claim 35, Hoppe teaches the claimed first primary content region within the window, visually disconnected from said first primary content region, said second primary content region corresponding to second content provided by the application program; a base frame region encircling each of said first primary content region and said second primary content region, said base frame region corresponding to content provided by an operating system, at figure 1, where the polygons diagonally opposed are disconnected, the base frame being a window displaying the mesh, provided by the operating system.


Claim 36 further requires the computer readable media of claim 35 wherein the base frame region defines a boundary of the window. Hoppe teaches this at the introduction with the teaching of displays, frames defining the boundaries of windows being inherent in computer displays.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Almis R. Jankus whose telephone number is 571-272-7643. The examiner can normally be reached on M-F, 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 571-272-7664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AJ



ALMIS R. JANKUS
PRIMARY EXAMINER